



Attorney's Docket No.: 10246-007001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Anthony D. Estes
Serial No. : 09/353,896
Filed : July 16, 1999
Title : DIRECT RESPONSE E-MAIL

Art Unit : 2765
Examiner : G. Akers

Commissioner for Patents
Washington, D.C. 20231

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RULE 312 AMENDMENT

On July 16, 2001, applicant filed a Request for Continued Examination and a Response that discussed the invention and the Gifford reference.

After a telephone conference held with examiner following his review of the July 16, 2001, papers, the applicant filed a Supplemental Response on August 14, 2001. The Supplemental Response added claims 17-36. On August 15, 2001, the applicant filed an Information Disclosure Statement citing a Zoken patent. The examiner has not yet indicated on the applicant's Form 1449 that he considered the Zoken patent cited by the applicant. (Copies of the papers filed on August 14 and 15 are attached.)

On October 12, 2001, the applicant submitted an Amendment adding new claims 37 through 49 and a narrative Information Disclosure Statement reciting twelve section 102(a) and/or 102(b) activities of the applicant and/or others. (Copies of the papers filed on October 12 are attached.)

On November 6, the examiner mailed a Notice of Allowability that referred to the July, 2001, paper filed by the applicant and identified the allowed claims as claims 1, 2, 4-16, and 37-49. The Notice of Allowability was accompanied by a Detailed Action dated July 30, 2001.

On November 15, 2001, the examiner, in a telephone conversation with applicant's representative (David Feigenbaum), confirmed that he had considered the Amendment and the

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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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Information Disclosure Statement filed on October 12, 2001, even though they were not specifically identified on the Notice of Allowability.

In the August 14, 2001, Response, the applicant amended claim 1 to recite "the message and the response being entirely e-mail based". Similar clauses appear in claims 5, 6, 8, 9, 10, 11, 15, and 16. Applicant stated in the Response dated July 16, 2001 (and applicant incorporated the statement in the Supplemental Response filed August 14, 2001): " ... that the recited elements of applicant's claims refer entirely to "e-mail" or to "e-mail messages"". The applicant wishes to make clear, for the examiner's consideration, that the words of the statement quoted above are not to be construed as imposing any limitation on the scope of the claims other than a limitation, if any, encompassed by the cited words added at the ends of claim 1, 5, 6, 8, 9, 10, 11, 15, and 16, and applicant withdraws the quoted statement to the extent that it might be construed otherwise.

The applicant is submitting an additional form 1449 with this paper to cite United States Patent 6,247,047.

The applicant asks that, after considering this paper, the '047 patent cited on the enclosed form 1449, and the papers filed in July, August, and October, the examiner again indicate the allowability of all claims, including claims 17 to 36 (which were omitted from the notice of allowability). The applicant also asks the examiner to check off the Zoken reference and the '047 patent listed on the two forms 1449 to confirm that he has considered them.

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Respectfully submitted,

Date: 12/5/01

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